



U.S. Environmental Protection Agency

Region I New England
5 Post Office Square – Suite 100
Boston, MA 02109-3912

JUL 07 2015

**URGENT LEGAL MATTER - PROMPT AND COMPLETE REPLY IS
REQUIRED
CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Craig Winkle, Manager
Winkle Bus Company
10 Industry Drive
West Haven, CT 06516

Re: Request for Information, Docket No. 308-15-01-028
SPCC inspection of Winkle Bus Company on April 9, 2015

Dear Mr. Winkle:

Our records show that Winkle Bus Company, located in West Haven, CT (the "Facility"), was visited by a representative of the U.S. Environmental Protection Agency ("EPA") on April 9, 2015. Based on information provided at that time, the inspector noted that this Facility did not have a Spill Prevention, Control, and Countermeasure ("SPCC") Plan as required by the Oil Pollution Prevention Regulations at 40 C.F.R. Part 112, promulgated under Section 311 of the Clean Water Act, 33 U.S.C. § 1321. These regulations require that any business that has the capacity to store more than 1,320 gallons of oil in above ground storage tanks must prepare and implement an SPCC Plan that includes providing secondary containment for all above-ground storage tanks ("ASTs"). Inspectors observed at least one AST (a 275-gallon tank) uncontained inside the wash bay of the maintenance garage. These requirements were communicated to you by the inspector at an out-brief session on the day of the inspection.

Under the authority of Sections 308 and 311(m) of the Clean Water Act, 33 U.S.C. §§ 1318 and 1321(m), you are hereby required to submit to EPA within 30 calendar days of your receipt of this letter the following:

1. A statement detailing the actions taken by your Facility to correct the deficiencies communicated during the inspection on April 9, 2015; and
2. Submit a copy of the facility's SPCC Plan. If completion of an SPCC Plan is not feasible within 30 calendar days, submit a detailed schedule of when it will be completed and fully implemented. The schedule should include the name, address, license number, and state of licensure of the registered professional engineer certifying the SPCC Plan, if

necessary. If the SPCC Plan calls for the construction of secondary containment at the Facility, the schedule should include construction milestone dates.

3. If you have determined that your Facility is no longer subject to the Oil Pollution Prevention Regulations at 40 C.F.R. Part 112, and is therefore not required to have an SPCC Plan, an explanation supporting such determination, including appropriate documentation.

Please note that if your Facility has an aboveground oil storage capacity of 10,000 gallons or less and meets the oil discharge history criteria as described in 40 C.F.R. § 112.3(g), you are no longer required to obtain professional engineer certification of the SPCC Plan. Instead, you may self-certify your Facility's SPCC Plan consistent with the requirements of 40 C.F.R. § 112.6. If you choose to self-certify, in addition to providing EPA with the self-certified SPCC Plan, provide an explanation (with documentation) supporting the determination that your Facility is a "qualified facility" as defined in 40 C.F.R. § 112.3(g).

4. A list of all the oil storage capacity at the Facility, both underground and aboveground (including, tanks, drums, transformers, oil-filled systems, etc.) and the type of oil stored in each container. Indicate each container's age and method of construction (e.g., single or double wall, welded or riveted, steel or fiberglass). Also indicate whether any secondary containment is provided around each container, and, if so, its method of construction (earth berm, steel wall, concrete block wall, poured concrete wall) and the total volume it can contain. Under 40 C.F.R. § 112.2, "oil" is defined as oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

5. The date the Facility first started having the capacity to store oil above the SPCC regulatory thresholds set forth in 40 C.F.R. § 112.1(d)(1) (i.e., the SPCC-regulated underground oil storage capacity of the Facility is greater than 42,000 gallons -or- the aboveground oil storage capacity of the Facility is greater than 1,320 gallons).

6. The date the Facility first began operation and, if different, the date the current owner took over ownership of the Facility. If the Facility is operated by an entity other than the owner, also include the date the current operator took over operation of the Facility.

7. A list of additional facilities owned by the owner of the inspected Facility, including the name, location, and total number of employees at each facility. If the inspected Facility is operated by an entity other than the owner, a list of additional facilities operated by the operator of the inspected Facility, including the name, location, and total number of employees at each facility. For each additional facility listed, please provide the following information:

- a. Provide the aggregate shell capacity of all above ground oil tanks and containers equal to or greater than 55 gallons in size at each facility.

- b. Explain whether each additional facility is subject to the Oil Pollution Prevention Regulations (40 C.F.R. Part 112).
 - c. For those facilities that are subject to the Oil Pollution Prevention regulations indicate whether the facility has a written, Professional Engineer-certified SPCC Plan or a written, self-certified SPCC Plan, and whether the SPCC Plan is being fully implemented at the facility; and
 - d. For facilities that are required to have an SPCC Plan but either do not have one or are not fully implementing their SPCC Plan, provide a time frame for when each facility is expected to be in compliance with the Oil Pollution Prevention Regulations.
8. If the Facility is developing an SPCC Plan post-inspection, please also include the following information:
- a. The cost of preparing the SPCC Plan;
 - b. The cost of implementing the SPCC Plan (including the cost of constructing additional secondary containment at the Facility); and
 - c. The ongoing annual costs of implementing the SPCC Plan (including training, inspections and record keeping).
9. In addition to your Facility being subject to the Oil Pollution Prevention Regulations, your Facility may require coverage under Connecticut's General Permit for the Discharge of Stormwater Associated with Industrial Activity ("Industrial General Permit").¹ Please provide the following information:
- a. The Facility's primary Standard Industrial Classification ("SIC") code;
 - b. Describe any bus maintenance activities, and where they occur, at the Facility;
 - c. Describe any bus washing activities, including what kind of detergents or cleaning agents are used, and where they occur, at the Facility. Include a description of how wash water is contained and how it is disposed of.
 - d. Describe whether your Facility has applied for coverage under the Industrial General Permit.

¹ More information related to the Industrial General Permit can be found at:
http://www.ct.gov/deep/cwp/view.asp?a=2721&q=558454&DEEPNav_GID=1654

Answers to the above set of questions shall be sent to:

Alex Rosenberg
Spill Prevention Compliance Officer
U.S. Environmental Protection Agency, Region 1
5 Post Office Sq., Suite 100
Mail Code OES04-4
Boston, MA 02109-3912

Please be advised that noncompliance with the Oil Pollution Prevention regulations constitutes a violation of the Clean Water Act for which both injunctive relief and penalties can be sought.

EPA reserves its right to take further enforcement action pursuant to the Clean Water Act, and other applicable laws, including the right to seek penalties, for any violations detected at the above-referenced inspection. Although preparation and/or revision and submittal of an SPCC Plan to EPA does not preclude EPA from seeking penalties for violations of the Clean Water Act, your prompt response towards coming into full compliance with the Oil Pollution Prevention Regulations will be taken into account in determining EPA's enforcement response.

Although this letter's emphasis is on compliance with the Oil Pollution Prevention Regulations, your facility may also be subject to reporting requirements under the Emergency Planning and Community Right-to-Know Act ("EPCRA"). If you are required to have Material Safety Data Sheets for your facility and store 10,000 lbs or more of oil, then you may be required under Section 312(a) of EPCRA to prepare and submit an emergency and hazardous chemical inventory form to the Local Emergency Planning Committee ("LEPC"), the State Emergency Response Commission ("SERC") and the local fire department. More information can be found at <http://www2.epa.gov/epcra>. EPA does not waive its right to take additional enforcement action for any violation of EPCRA or of any other federal statute or regulations.

Please be further advised that compliance with this information request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, within the time frame specified above, also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of civil penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001. If information or documents not known or available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of the response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible, and provide a corrected response.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to you.

Enclosed with this information request letter is an information sheet intended to assist small businesses, as defined by the Small Business Administration ("SBA") at 13 C.F.R. Part 121.201, in understanding and complying with environmental regulations. EPA New England is routinely providing this information to businesses in the course of its enforcement activities, whether or not they are small businesses as defined by the SBA. The Small Business Regulatory Enforcement and Fairness Act ("SBREFA") provides small businesses with the opportunity to submit comments on regulatory enforcement at the time of an agency enforcement activity. The enclosed Information Sheet provides information on this right, as well as information on compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. Please be aware that availing yourself of this opportunity does not relieve the Winkle Bus Company of its responsibility to comply with federal law and this information request.

Your response to this Request must be accompanied by the certificate that is signed and dated by the person who is authorized to respond to the Request on behalf of the company. The certification must state that your response is complete and contains all information and documentation available to you that is responsive to the Request. A Statement of Certification is Enclosed with this letter.

If you have any questions concerning your compliance with this letter, please contact Alex Rosenberg, Region I Spill Prevention Compliance Officer, directly at (617) 918-1709, or have your attorney contact Jeffrey Kopf, EPA's attorney in this matter, at (617) 918-1796. For your information, EPA has on its website (www.epa.gov/oilspill) a general guidance document on SPCC Plan preparation, including a model SPCC Plan.

Sincerely,



James Chow, Manager
Technical Enforcement Office
Office of Environmental Stewardship

Enclosure

cc: Jeffrey Kopf, Senior Enforcement Counsel, EPA Region 1
Alex Rosenberg, Spill Prevention Compliance Officer, EPA Region 1
Kim Hudak CTDEEP Industrial Stormwater Permit Manager

Statement of Certification for the Winkle Bus Company

(To be returned with Response to Information Request)

I declare under penalty of perjury that I am authorized to respond on behalf of the Winkle Bus Company. I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By _____
(Signature)

(Print Name)

(Title)

(Date)